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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,893	02/01/2005	Umberto Marazzi	Q85964	6717
23373 7590 12/06/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER TYLER, STEPHANIE E				
ART UNIT 3754		PAPER NUMBER		
MAIL DATE 12/06/2007		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,893

Applicant(s)

MARAZZI ET AL.

Examiner

Stephanie E. Tyler

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of.
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/01/2005 & 03/02/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Appendix A.

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pritchard (2,133,831).

The Pritchard reference discloses a dispensing circuit consisting of a pump means (fig.3,19) which consists of bellows pump (19); having a variable-volume chamber with at least one flexible wall (19), at least one nozzle (35), a output duct (fig.3)¹, a delivery duct (32), a first one-way valve (27,28), a second-way valve (37,38), wherein at least one of the one-way valves has a hollow body (fig.3, 38,37) and a abutment surface (fig.3) and a resilient means (37); a closure members for the first one-way valve and second one-way valve (28,38), a main body (18), a reservoir (10), a control system (26,22,23,13,19) and all the functional language limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard in view of Zoll (3,800,825).

The Pritchard reference discloses substantially all the structure and functionality of the invention; however the Pritchard reference lacks at least one of the one-way valves having a knife-edge element.

The Zoll reference teaches a one-way valve (100) having a filter (18,40,42), a knife-edge element (128) on the valve housing for the purpose of bearing against a flat abutment (130) for sealing.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have reasonably modified one of the valves in the Pritchard's device with a knife-edge element as taught by Zoll to in order to provide a convenient and effective way to construct a tight seal along with the use of a sealing gasket.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard in view of Zoll (3,800,825) and Halsnes et al. (5,785,085).

The Pritchard and Zoll references disclose substantially all the structure and functionality of the invention; however the both references lack a third valve and closure member.

¹ Please refer to Appendix A for specified feature(s).

The Halsnes reference teaches a dispensing apparatus having an inlet end (6) with a third valve (6') and closure member (6', fig.1) for the purpose of allowing flow of liquid toward the reservoir.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have reasonably modified the Pritchard and Zoll devices and third valve and closure member as taught by Halsnes in order to prevent in backflow from the strainer that would present contaminants in the reservoir.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Meckenstock (4,858,788), Udall (4,515,294), Moore (1,928,070), Lam (2005/0121643), Auer (2001/0025860), Serre (2,081,253), Crippen et al. (3,455,486), and Smith et al. (2,792,974) are other various types of dispensers having two valves, a pump, and a flexible wall.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie E. Tyler whose telephone number is 571-272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SET



KEVIN SHAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

APPENDIX A

Oct. 18, 1938.

W. T. PRITCHARD
LUBRICATING DEVICE
Filed Aug. 7, 1937

2,133,831

2 Sheets-Sheet 1

